



Security Council

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Security Council Committee established pursuant to resolution [1718 \(2006\)](#)

Note verbale dated 4 December 2019 from the Permanent Mission of Austria to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) and has the honour to transmit herewith the midterm report of Austria pursuant to paragraph 8 of Security Council resolution [2397 \(2017\)](#) (see annex).



**Annex to the note verbale dated 4 December 2019 from the
Permanent Mission of Austria to the United Nations addressed to
the Chair of the Committee**

**Report of Austria on the implementation of Security Council
resolution [2397 \(2017\)](#)**

Austria and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea provided for in paragraph 8 of Security Council resolution [2397 \(2017\)](#) by adopting Council Decision (CFSP) 2018/293 of 26 February 2018, amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea.

Article 26a of Council Decision (CFSP) 2016/849, as amended, sets out the legal framework for the implementation of the relevant measures in Security Council resolution [2397 \(2017\)](#), inter alia, through the obligation to repatriate to the Democratic People's Republic of Korea all nationals of that country earning income in the jurisdiction of a member State and all government safety oversight attachés of the Democratic People's Republic of Korea monitoring its workers abroad, unless certain exceptions apply, subject to applicable national and international law.

To give effect to the aforementioned provision, Austria has screened all pertinent data and information available to the competent authorities in charge of issuing visas, residence permits and work permits. Based on these data and information, Austria is in the process of reviewing all relevant individual cases of nationals of the Democratic People's Republic of Korea registered in Austria in order to ascertain whether they should be repatriated in accordance with applicable national and international law.

As at 20 November 2019, Austria is in a position to report as follows:

- To the best of the knowledge of the competent Austrian authorities, there are no government safety oversight attachés of the Democratic People's Republic of Korea present in Austria.
- Visas to nationals of the Democratic People's Republic of Korea are issued by the competent authorities in full accordance with all applicable rules under international, European and Austrian law. The policy of Austria of not issuing visas to nationals of the Democratic People's Republic of Korea to work for remuneration will remain unchanged, in line with Security Council resolution [2397 \(2017\)](#).
- Based on a review of the pertinent data available to the competent authorities, fewer than 25 nationals of the Democratic People's Republic of Korea currently hold residence permits for Austria, including a number of persons not entitled to work for remuneration under applicable Austrian laws and regulations. The competent authorities are currently scrutinizing these specific cases in more detail.
- In this context, legal entitlements to residency under applicable international, European and Austrian law are duly taken into account, especially for reasons of asylum, family status, education and humanitarian considerations. Potential enforcement measures are permissible only in line with applicable international, European and Austrian law for the protection of human rights. In particular, Austria is a party to the Convention for the Protection of Human Rights and

Fundamental Freedoms (European Convention on Human Rights), which enjoys constitutional rank in the Austrian legal system.

Austria envisages completing its review of nationals of the Democratic People's Republic of Korea resident in Austria under paragraph 8 of Security Council resolution [2397 \(2017\)](#) and submitting its final report to the Security Council in due course. Austria remains fully committed to implementing all restrictive measures against the Democratic People's Republic of Korea as imposed by the Security Council.
